

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DON BLANKENSHIP,

Plaintiff,

v.

Civil Action No. 2:19-cv-00236

HONORABLE ANDREW NAPOLITANO (RET.);
et al.,

Defendants.

ORDER

Pending is the motion of defendant Fox News Network, LLC, ("Fox News") for extension of time to respond to the amended complaint, filed May 30, 2019. On May 31, 2019, defendant MSNBC Cable LLC ("MSNBC") joined Fox News' motion. Also on May 31, 2019, plaintiff Don Blankenship filed a response in opposition, to which Fox News replied on June 2, 2019.

There are more than 100 defendants in this case, the majority of whom have yet to be served. Fox News and MSNBC were among the first to be served with the amended complaint on May 21, 2019, along with defendants Clarity Media Group, Inc., Los Angeles Times Communications, LLC, and Tribune Publishing Company, LLC. See ECF # 17. Under Federal Rule of Civil Procedure 12(a)(1), those defendants have until June 11, 2019, which is twenty-one days from the date of service, to file a responsive pleading. MSNBC and Fox News are the only defendants

who have thus far appeared in the case.

In its motion, Fox News seeks to extend the time to file responsive pleadings for all defendants to no later than thirty days after the court decides the pending motion to remand. Mot., ECF # 23 at 1. Fox News contends that an extension will be "[i]n the interest of efficiency, convenience, and justice" because: "[a] clear and universal deadline would encourage coordination among defendants and streamline briefing schedules[;]" "no party would be prejudiced by the requested extension[;]" "[t]he Court's remand decision may give greater certainty regarding the joinder of Blankenship's various claims, an issue likely to be raised in opening motions practice[;]" "the remand motion presents a threshold question of the Court's subject matter jurisdiction[;]" and "the Court should have an opportunity to confirm its jurisdiction over the matter before it receives responsive motions that it would have the power to decide only if the case remains in federal court." Mot. at 2-3.

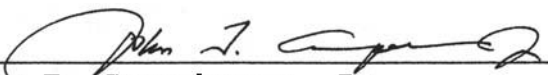
The plaintiff opposes the motion, based on three primary contentions: "[a] single pleading deadline, at some unknown future date, frustrates judicial efficiency[;]" "The Pleading Delay Proposed By Fox [News] Prejudices Mr. Blankenship[;]" and "The Remand Motion Does Not Raise A Jurisdictional Question." Resp., ECF # 27 at ¶¶ 7-9.

In light of the unusually high number of defendants, who are being served at different times, and the pending motion to remand, as well as the other reasons assigned as above by Fox News for the extension which the court finds meritorious, it is ORDERED that Fox News' motion for extension of time be, and it hereby is, granted.

It is further ORDERED that all defendants served by the date the court issues a decision on the motion to remand will be afforded thirty days therefrom, should the case not be remanded, to file responsive pleadings.

The Clerk is directed to forward copies of this order to all counsel of record and any unrepresented parties.

DATED: June 3, 2019



John T. Copenhaver, Jr.
Senior United States District Judge